

United States District Court
Central District of California
Eastern Division

RONALD GENGLER, *et al.*,

Plaintiffs,

v.

NATIONSTAR MORTGAGE, LLC, *et al.*,

Defendants.

CV 12-01936 TJH (SPx)

Order
and
Judgment

The Court has considered the motion for summary judgment by Defendants Nationstar Mortgage, LLC's ["Nationstar"] and Aurora Bank, FSB's ["Aurora"], together with the moving and opposing papers.

The burden of proof rests on the party who carries the burden at trial. See *In re Oracle Corp. Sec. Litig.*, 627 F.3d 376, 387 (9th Cir. 2010). Thus, the ultimate burden here is on the Plaintiffs. The Defendants, however, have an initial burden to show that the Plaintiffs do not have enough evidence to meet their burden of proof. See *Nissan Fire & Marine Ins. Co. V. Fritz Cos.*, 210 F.3d 1099, 1022 (9th Cir. 2000). The Defendants have met their burden.

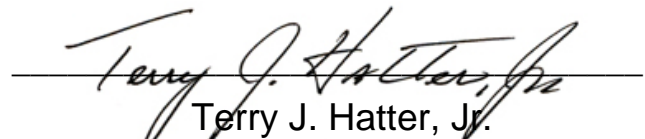
1 Thus, the burden shifts to the Plaintiffs to establish, with admissible evidence,
2 that they have a *primaefacie* case on each of their remaining claims. *See Celotex Corp.*
3 *v. Catrett*, 477 U.S. 317, 322, 106 S. Ct. 2548, 2552, 91 L. Ed. 2d 265, 270 (1986).
4 With their minimal opposition, the Plaintiffs failed to meet their burden.
5

6 Over the past four months, Plaintiffs' counsel stated in the stipulations filed on
7 December 18, 2013, and March 7, 2014, as well as in the opposition to this motion
8 filed on December 23, 2013, that he intends to file a motion for leave to file an
9 amended complaint. However, a motion for leave to file an amended complaint has yet
10 to be filed, despite the passing of almost three months.
11

12 It is Ordered that Defendants' motion for summary judgement be, and hereby
13 is, Granted.
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15 It is further Ordered, Adjudged and Decreed that Judgement be, and hereby
16 is, Entered in favor of Defendants and against Plaintiffs.
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18 It is further Ordered, Adjudged and Decreed that Plaintiffs take nothing.
19 Date: March 7, 2014

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21 Terry J. Hatter, Jr.
22 Senior United States District Judge
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